

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH MARCHESANO,

Petitioner,

v.

MARK GARMIN, et al.,

Respondents.

CIVIL ACTION NO. 19-3318

ORDER

AND NOW, this 30th day of August 2022, upon careful and independent consideration of the Petition for Habeas Corpus and the related filings; and upon review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Lynne A. Sitarski and the objections thereto; and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DISMISSED with prejudice** and without an evidentiary hearing;
4. A certificate of appealability will not issue as there is no basis for concluding that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further;”¹ and

¹ *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation and quotation omitted).

5. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFE, J.